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JAN 15 2003

PTO/SB/30 (08-00)  
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# REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,  
provides for continued examination of an utility or plant application  
filed on or after June 8, 1995.  
See The American Inventors Protection Act of 1999 (AIPA).

|                        |                   |
|------------------------|-------------------|
| Application Number     | 09/558,472        |
| Filing Date            | April 25, 2000    |
| First Named Inventor   | M. Bristow et.al. |
| Group Art Unit         | 1632              |
| Examiner Name          | T. Ton            |
| Attorney Docket Number | MYOG:004USD1/SLH  |

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

## 1. Submission required under 37 C.F.R. § 1.114

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on \_\_\_\_\_  
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- iii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other \_\_\_\_\_

## 2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other \_\_\_\_\_

## 3. Fees

The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 50-1212/MYOG:004USD1/SLH
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e)
- ii. ☒ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
- iii. ☐ Other \_\_\_\_\_
- b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

|                   |                      |                                   |                 |
|-------------------|----------------------|-----------------------------------|-----------------|
| Name (Print/Type) | Steven L. Highlander | Registration No. (Attorney/Agent) | 37,642          |
| Signature         |                      | Date                              | January 6, 2003 |

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on:

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|-------------------|----------------------|------|-----------------|
| Name (Print/Type) | Steven L. Highlander | Date | January 6, 2003 |
| Signature         |                      |      |                 |

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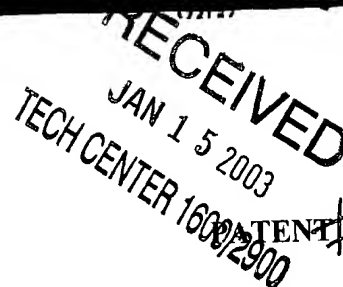
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Michael BRISTOW *et al.*

Serial No.: 09/558,472

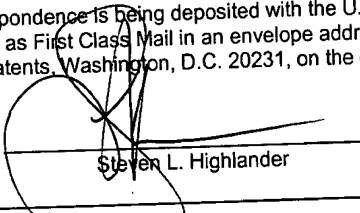
Filed: April 25, 2000

For: DIAGNOSIS AND TREATMENT OF  
MYOCARDIAL FAILURE

Group Art Unit: 1632

Examiner: T. Ton

Atty. Dkt. No.: MYOG:004USD1/SLH

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| January 6, 2003<br>Date   | <br>Steven L. Highlander |

AMENDMENT

Hon. Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

This is in response to the Notice of Appeal received by the PTO on June 6, 2002. An appeal brief was due on August 6, 2002, which date is extended to January 6, 2003, by the concurrently filed Petition for Extension of Time and payment of appropriate fees. No other fees are believed due in connection with this filing. However, should any fees be due for any reason, the Commissioner is authorized to deduct said fees from Fulbright & Jaworski Deposit Acct. No. 55-1212/MYOG:004USD1/SLH. Please amend the application as follows.